

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

GERALD RAY BARROW, §
§
Plaintiff, §
VS. § CIVIL ACTION NO. C-08-222
§
MR. GARZA, §
§
Defendant. §

ORDER ON PENDING MOTIONS

By order and final judgment entered August 27, 2008, the Court denied Gerald Ray Barrow's request for leave to proceed *in forma pauperis* ("i.f.p."), and dismissed his action *without prejudice*. (D.E. 25, 26). On September 15, 2008, Barrow filed a motion for interlocutory appeal. (D.E. 27), a notice of appeal (D.E. 28), and a motion to proceed on appeal i.f.p. (D.E. 29). By order entered September 15, 2008, the Court construed plaintiff's motion for interlocutory appeal as a notice of appeal of final judgment, and denied plaintiff's motion to proceed i.f.p. on appeal. (D.E. 30). Plaintiff was advised that he could proceed with his appeal if he paid the \$455 filing fee. Id.

On September 24, 2008, plaintiff filed a motion arguing that the dismissal of his action should be without prejudice. (D.E. 32). He also filed a motion asking that the Clerk properly forward all of his records to the Fifth Circuit. (D.E. 33). On September 26, 2008, plaintiff filed a motion requesting that the privacy laws be employed to pay the filing fees for his appeal. (D.E. 35).

Plaintiff's motions (D.E. 32, 33, and 53) are denied as moot. On October 30, 2008, the Fifth Circuit dismissed his appeal for failure to prosecute. (D.E. 37). Moreover, plaintiff's motions are frivolous.

SIGNED and ORDERED this 22nd day of December, 2008.


Janis Graham Jack
United States District Judge